[JUNE, MDCCLXXI.] THE [NUMB.]

SOUTH-CAROLINA AND COUNTRY GAZETTE; EXTRAORDINARY. JOURNAL,

FRIDAY, JUNE 28, 1771.

LONDON, APRIL 23.

TO THE PRINTER.

SIR,

TO write for profit, without taxing the preſs; to write for fame, and to be unknown; to to ſupport the intrigues of faction, and to be diſowned, as a dangerous auxiliary, by every party in the kingdom, are contradictions, which the Miniſter muſt reconcile before I forfeit my credit with the public. I may quit the ſervice, but it would be abſurd to ſuſpect me of deſertion. The reputation of theſe papers is an honourable pledge for my attachment to the people. To ſacrifice a reſpected character, and to renounce the eſteem of ſociety, requires more than Mr. Wedderburne's reſolution; and though, in him, it was rather a profeſſion than a deſertion of his principles, [I ſpeak tenderly of this Gentleman, for when treachery is in queſtion, I think we ſhould make allowances for a Scotchman] yet we have ſeen him in the Houſe of Commons overwhelmed with confuſion, and almoſt bereft of his faculties. But in truth, Sir, I have left no room for an accommodation with the piety of St. James's. My offences are not to be redeemed by recantation or repentance. On one ſide our warmeſt patriots would diſclaim me as a burthen to their honeſt ambition. On the other, the vileſt proſtitution, if Junius could deſcend to it, would loſe its natural merit and influence in the cabinet, and treachery be no longer a recommendation to the royal favour.

The perſons, who till within theſe few years, have been moſt diſtinguiſhed by their zeal for high church and prerogative, are now, it ſeems, the great aſſertors of the privileges of the Houſe of Commons. This ſudden alteration of their ſentiments or language carries with it a ſuſpicious appearance. When I hear the undefined privileges of the popular branch of the legiſlature exalted by Tories and Jacobites, at the expence of thoſe ſtrict rights, which are known to the ſubject and limited by the laws, I cannot but ſuſpect that ſome miſchievous ſcheme is in agitation to deſtroy both law and privilege, by oppoſing them to each other. They who have uniformly denied the power of the whole legiſlature to alter the deſcent of the crown, and whoſe anceſtors, in rebellion againſt his Majeſty's family, have defended that doctrine at the hazard of their lives, now tell us that Privilege of Parliament is the only rule of right, and the chief ſecurity of the public liberty. I fear, Sir, that while forms remain, there has been ſome material change in the ſubſtance of our conſtitution. The opinions of theſe men were too abſurd to be ſo eaſily renounced.---Liberal minds are open to conviction. Liberal doctrines are capable to improvement. There are proſelytes from atheiſm, but none from ſuperſtition. If their preſent profeſſions were ſincere, I think they could not but be highly offended at ſeeing a queſtion, concerning parliamentary privilege, unneceſſarily ſtarted at a ſeaſon ſo unfavourable to the Houſe of Commons, and by ſo very mean and inſignificant a perſon as the minor Onſlow. They knew that the preſent Houſe of Commons, having commenced hoſtilities with the people, and degraded the authority of the laws by their own example, were likely enough to be reſiſted *per fas et nefas*. If they were really friends to privilege, they would have thought the queſtion of right too dangerous to be hazarded at this ſeaſon, and, without the formality of a convention, would have left it undecided.

I have been ſilent hitherto, though not from that ſhameful indifference about the intereſts of ſociety, which too many of us profeſs, and call moderation. I confeſs, Sir, that I felt the prejudices of my education, in favour of a Houſe of Commons, ſtill hanging about me. I thought that a queſtion between law and privilege could never be brought to a formal deciſion, without inconvenience to the public ſervice, or a manifeſt diminution of legal liberty, and ought therefore to be carefully avoided. And when I ſaw that the violence of the Houſe of Commons had carried them too far to retreat, I determined not to deliver a haſty opinion upon a matter of ſo much delicacy and importance.

The ſtate of things is much altered in this country, ſince it was neceſſary to protect our repreſentatives againſt the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly it was the intereſt of the people, that the privileges of parliament ſhould be left unlimited and undefined. At preſent it is not only their intereſt, but I hold it to be eſſentially neceſſary to the preſervation of the conſtitution, that the privileges of parliament ſhould be ſtrictly aſcertained, and be confined within the narroweſt bounds the nature of their inſtitution will admit of. Upon the ſame principle, upon which I would have reſiſted prerogative in the laſt century, I now reſiſt privilege. It is indifferent to me, whether the crown, by its own immediate act, impoſes new, and diſpenſes with old laws, or whether the ſame arbitrary power produces the ſame effects through the medium of the Houſe of Commons. We truſted our repreſentatives with privileges for their own defence and ours. We cannot hinder their deſertion, but we can prevent their carrying over their arms to the ſervice of the enemy.---It will be ſaid, that I begin with endeavouring to reduce the argument concerning privilege to a mere queſtion of convenience;---that I deny at one moment what I would allow at another; and that to reſiſt the power of a p------ Houſe of Commons may eſtabliſh a precedent injurious to all future parliaments.---To this I anſwer generally, that human affairs are in no inſtance governed by ſtrict poſitive right. If change of circumſtances were to have no weight in directing our conduct and opinions, the mutual intercourſe of mankind would be nothing more than a contention between poſitive and equitable right, Society would be a ſtate of war, and law itſelf would be injuſtice. On this general ground, it is highly reaſonable, that the degree of our ſubmiſſion to privileges, which have never been denied by any poſitive law, ſhould be conſidered as a queſtion of convenience, and proportioned to the confidence we repoſe in the integrity of our repreſentatives. As to the injury we may do to any future and more reſpectable Houſe of Commons, I own I am not now ſanguine enough to expect a more plentiful harveſt of parliamentary virtue in one year than another. Our political climate is ſeverely altered; and without dwelling upon the depravity of modern times, I think no reaſonable man will expect that, as human nature is conſtituted, the enormous influence of the crown ſhould ceaſe to prevail over the virtue of individuals. The miſchief lies too deep to be cured by any remedy, leſs than ſome great convulſion, which may either carry back the conſtitution to its original principles, or utterly deſtroy it. I do not doubt that, in the firſt ſeſſion after the next election, ſome popular meaſures may be adopted. The preſent Houſe of Commons have injured themſelves by a too early and public profeſſion of their principles; and if a ſtrain of proſtitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too ſoon. But after all, Sir, it is very immaterial whether a Houſe of Commons ſhall preſerve their virtue for a week, a month, or a year. The influence, which makes a ſeptennial parliament dependent upon the pleaſure of the crown, has a permanent operation, and cannot fail of ſucceſs.---My premiſes, I know, will be denied in argument, but every man's conſcience tells him they are true. It remains then to be conſidered, whether it be for the intereſt of the people that privilege of parliament, (which, in reſpect to the purpoſes, for which it has hitherto been acquieſced under, is merely nominal) ſhould be contracted within ſome certain limits, or whether the ſubject ſhall be left at the mercy of a power, arbitrary upon the face of it, and notoriouſly under the direction of the crown.

I do not mean to decline the queſtion of *right*. On the contrary, Sir, I join iſſue with the advocates for privilege and affirm, that, "excepting the caſes, wherein the Houſe of Commons are a court of judicature, [to which, from the nature of their office, a coercive power muſt belong] and excepting ſuch contempts as immediately interrupt their proceedings, they have no legal authority to impriſon any man for any ſuppoſed violation of privilege whatſoever."---It is not pretended that privilege, as now claimed, has ever been defined or confirmed by ſtatute; neither can it be ſaid, with any colour of truth, to be a part of the common law of England, which had grown into preſcription, long before we knew any thing of the exiſtence of a Houſe of Commons. As for the law of parliament, it is only another name for the privilege in queſtion; and ſince the power of creating new privileges has been formerly renounced by both Houſes, ſince there is no code in which we can ſtudy the law of parliament, we have but one way left to make ourſelves acquainted with it; that is, to compare the nature of the inſtitution of a Houſe of Commons with the facts upon record. To eſtabliſh a claim of privilege in either Houſe, and to diſtinguiſh original right from an uſurpation, it muſt appear that it is indiſpenſably neceſſary for the performance of the duty they are employed in, and alſo that it has been uniformly allowed. From the firſt part of this deſcription it follows clearly, that whatever privilege does of right belong to the preſent Houſe of Commons, did equally belong to the firſt aſſembly of their predeceſſors, was as compleatly veſted in them, and might have been exerciſed in the ſame extent. From the ſecond we muſt infer that privileges, which, for ſeveral centuries, were not only never allowed, but never even claimed by the Houſe of Commons, muſt be founded upon uſurpation. The conſtitutional duties of a Houſe of Commons are not very complicated nor myſterious. They are to propoſe or aſſent to wholeſome laws for the benefit of the nation. They are to grant the neceſſary aids to the King, petition for the redreſs of grievances, and proſecute treaſon or high crimes againſt the ſtate. If unlimited privilege be neceſſary to the performance of theſe duties, we have reaſon to conclude, that for many centuries after the inſtitution of the Houſe of Commons, they were never performed. I am not bound to prove a negative, but I appeal to the Engliſh hiſtory when I affirm, that with the exceptions already ſtated (which yet I might ſafely relinquiſh) there is no precedent, from the year 1265 to the death of Queen Elizabeth, of the Houſe of Commons having impriſoned any man (not a member of their Houſe) for contempt or breach of privilege. In the moſt flagrant caſes, and when their acknowledged privileges were moſt groſsly violated, the *poor Commons*, as they then ſtiled themſelves, never took the power of puniſhment into their own hands. They either ſought redreſs by petition to the King, or, what is more remarkable, applied for juſtice to the Houſe of Lords; and when ſatisfaction was denied them or delayed, their only remedy was to refuſe proceeding upon the King's buſineſs. So little conception had our anceſtors of the monſtrous doctrines now maintained concerning privilege, that, in the reign of Elizabeth, even liberty of ſpeech, the vital principle of a deliberative aſſembly, was reſtrained by the Queen's authority to a ſimple *Aye* or *No*, and this reſtriction, though impoſed upon three ſucceſſive parliaments, * was never once diſputed by the Houſe of Commons.

I know there are many precedents of arbitrary commitments for contempt; but, beſides that they are of too modern a date to warrant a preſumption that ſuch a power was originally veſted in the Houſe of Commons---*fact* alone does not conſtitute *right*; if it does, general warrants were lawful. An ordinance of the two Houſes has a force equal to law; and the criminal juriſdiction aſſumed by the Commons in 1621, in the caſe of Edward Loyd, is a good precedent, to warrant the like proceedings againſt any man, who ſhall unadviſedly mention the folly of a King or the ambition of a Princeſs.---The truth is, Sir, that the greateſt and moſt unexceptionable part of the privileges now contended for, were introduced and aſſerted by a Houſe of Commons which aboliſhed both monarchy and peerage, and whoſe proceedings, although they ended in one glorious act of ſubſtantial juſtice, could no way be reconciled to the forms of the conſtitution. Their ſucceſſors profited by the example, and confirmed their power by making a moderate or a popular uſe of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

If however it could be proved, from conſiderations of neceſſity or convenience, that an unlimited power of commitment ought to be intruſted to the Houſe of Commons, and that *in fact* they have exerciſed it without oppoſition, ſtill, in contemplation of law, the preſumption is ſtrongly againſt them. It is a leading maxim of the laws of England (and, without it, all laws are nugatory) that there is no right without a remedy, nor any legal power without a legal courſe to carry it into effect. Let the power, now in queſtion, be tried by this rule. The Speaker iſſues his warrant of attachment. The party attached either reſiſts force with force, or appeals to a magiſtrate, who declares the warrant illegal and diſcharges the priſoner. Does the law provide no legal means for enforcing a legal warrant? Is there no regular proceeding pointed out in our law books to aſſert and vindicate the authority of ſo high a court as the Houſe of Commons? The queſtion is anſwered directly by the fact. Their unlawful commands are reſiſted, and they have no remedy. The impriſonment of their own members is revenge indeed, but it is no aſſertion of the privilege they contend for. Their whole proceeding ſtops, and there they ſtand, aſhamed to retreat, and unable to advance. Sir, theſe ignorant men ſhould be informed that the execution of the laws of England is not left in this uncertain, defenceleſs condition. If the proceſs of the courts of Weſtminſter-Hall be reſiſted, they have a direct courſe, ſufficient to inforce ſubmiſſion. The court of King's Bench commands the ſheriff to raiſe the *poſſe comitatis*. The courts of Chancery and Exchequer iſſue a *writ of rebellion*, which muſt alſo be ſupported, if neceſſary by the power of the county. To whom will our honeſt Repreſentatives direct *their* writ of rebellion? The guards, I doubt not, are willing enough to be employed, but they know nothing of the doctrine of writs, and may think it neceſſary to wait for a letter from Lord Barrington.

It may now be objected to me, that my arguments prove too much; for that certainly there may be inſtances of contempt and inſult to the Houſe of Commons, which do not fall within my own exceptions, yet, in regard to the dignity of the Houſe, ought not to paſs unpuniſhed. Be it ſo.---The courts of criminal juriſdiction are open to proſecutions, which the Attorney-general may commence by information or indictment. A libel, tending to aſperſe or vilify the Houſe of Commons, or any of their members, may be as ſeverely puniſhed in the court of King's Bench, as a libel upon the King. Mr. De Grey thought ſo, when he drew up the information upon my letter to his Majeſty, or he had no meaning in charging it to be a ſcandalous libel upon the Houſe of Commons. In my opinion, they would conſult their real dignity much better, by appealing to the laws when they are offended, than by violating the firſt principle of natural juſtice, which forbids us to be judges, when we are parties to the cauſe.

I do not mean to purſue them through the remainder of their proceedings. In their firſt reſolutions, it is poſſible they might have been deceived by ill-conſidered precedents. For the reſt, there is no colour of palliation or excuſe.

They have adviſed the King to reſume a power of diſpenſing with the laws by royal proclamation; and Kings we have ready enough to follow ſuch advice.---By mere violence, and without the ſhadow of right, they have expunged the record of a judicial proceeding.---Nothing remained, but to attribute to their own vote a power of Stopping the whole diſtribution of criminal and civil juſtice.

The public virtues of the Chief Magiſtrate have long ſince ceaſed to be in queſtion. But it is ſaid that he has private good qualities, and I myſelf have been ready to acknowledge them. They are now brought to the teſt. If he loves his people, he will diſſolve a parliament, which they can never confide in or reſpect.---If he has any regard for his own honour, he will diſdain to be any longer connected with ſuch abandoned proſtitution. But if it were conceivable, that a King of this country had loſt all ſenſe of perſonal honour, and all concern for the welfare of his ſubjects, I confeſs, Sir, I ſhould be contented to renounce the forms of the conſtitution once more, if there were no other way to obtain ſubſtantial juſtice for the people.

JUNIUS.

* *In the Years* 1593---1597---*and* 1601.

LONDON, APRIL 23.

YESTERDAY Morning, at half paſt ten, the Right Hon. the Lord Mayor left the Tower, attended by the proper officers, and paſſed through Tower-ſtreet, and Canon-ſtreet, to be carried before the Court of Common Pleas in Weſtminſter-hall, to which place he was followed by a vaſt concourſe of people, amongſt whom were many very reſpectable perſons. Bow bells began to ring at the time his Lordſhip came out of the Tower, and continued ringing till he was out of the city. When he came to the Court of Common-Pleas, it was found that there was not a proper return of the Habeas Corpus, the Lieutenant of the Tower having directed it to Sir William De Grey, the Chief Juſtice, inſtead of the Court. After many learned arguments by the Serjeants Glynn and Jephſon, to prove the legality of his Lordſhip's releaſement by the Judge, Sir William De Grey, and the other three Judges, declared that the matter could not come under the cognizance of that court, and therefore that the Lord Mayor ought to be remanded.

The order given for the ſpeedy raiſing the militia of our ſeveral counties are ſaid not to be owing to the ſmalleſt apprehenſions of either foreign or domeſtic broils, but merely for the purpoſe of being before-hand with probability, a very uncommon practice with the preſent adminiſtration.

It is imagined, that as the conditions on which alone Lord Chatham declares he can think of coming into the miniſtry are of ſuch a nature, that adminiſtration itſelf muſt be diſſolved before they can be complied with; we ſhall never behold that nobleman again in office.

It is univerſally reported that a change will ſpeedily take place in ſeveral of the firſt departments, nor do people ſcruple to whiſper the manner, from the appearance of ſome new faces at a certain great Lever, with very unuſual marks of diſtinction and approbation.

It is ſaid that a certain great Man has declared, that let the conſequence be what it may, he will only a very ſhort time longer ſubmit to be the oſtenſible perſon in a department, where he has neither voice nor power, at the ſame moment that he incurs the whole diſgrace of a blundering miniſtry.

The Lord Mayor was never more eminently in his office as conſervator of the peace, than on his return yeſterday from Weſtminſter; for ſuch was the honeſt though miſtaken zeal of his accompanying friends, (known at the weſt end of the town by the epithets mob, ſcum of the earth, &c.) that they were ripe for the moſt deſperate enterpriſes in his favour; nor would they have permitted him to reviſit the Tower, had he been leſs ſpirited, or leſs judicious in his intreaties to them.

It is confidently reported, that a legacy of 50,000 l. has been lately bequeathed to Mr. Wilkes, by a gentleman of the name of Neſbit, near Hull, in Yorkſhire.

An extraordinary Board of Trade and Plantations is to be held on Tueſday next, at the plantation office, Whitehall.

Major Philip Skene, of the 52d regiment, is appointed Lieutenant-colonel of the 69th.

Archibald Williams, Eſq; is appointed Major in the 52d regiment of foot.

Mr. Thomas Townſend declared a few days ſince, in the Houſe of Commons, that to his certain knowledge, a conſiderable ſum had been lately iſſued from the Exchequer, in bank bills of 100 l. each, and that he believed it had been diſtributed among the members of that aſſembly, in order to procure a majority in favour of adminiſtration.

Late on Saturday evening a secretary to the Count de Guigne, the French ambassador at our court, took French leave of the Count, and at the same time having availed himself of the papers and documents in the custody of the Count, many of which papers contain several instructions from the Duke de Choiseul to Count Guigne, and also to his predecessor Count Chatelet; marched off with the same to Versailles, in order, as it is apprehended, to find sufficient materials out of them for the condemnation of the Duke de Choiseul, whose ruin it seems is now irretrievably determined on.

Last Saturday came on to be heard before Dr. Bettesworth, of Doctors Commons, the petition of Lord Grosvenor, the substance of which was, that as his Lordship's Proctor had prayed publication five months ago, whether he could be at liberty to examine the Countess of D. as a witness on his Lordship's behalf; after many learned arguments by the counsel on both sides, the judge granted his petition.

Yesterday the most necessary bill to prevent the exportation of live cattle to foreign parts, had very near been thrown out in the Lower House, the number for the report being 23, and against it 23; but Sir Charles Whitworth, the Chairman, saved it by his casting vote, so that it is ordered to come on again.

—On Saturday last died at Bath, the Right Hon. Other-Lewis, Earl of Plymouth, Lord Windsor, Baron of Bradenham, Lord Lieutenant of the County of Glamorgan, &c. &c. &c.

April 25. It is said that Alderman Wilkes, Frederick Bull, Esq; Alderman Oliver and Kirkman, will be put up to serve the office of sheriff for the year ensuing.

Captain William Richard Wilson from half pay, is appointed captain of a troop in the third regiment of dragoon guards, in the room of Wade Caulfield, Esq.

Thomas Boyd, Esq; is appointed captain of a company in the 26th regiment of foot, in the room of William Madden, Esq; and Fitzmaurice Conner, Gent. succeeds Mr. Boyd as Captain Lieutenant.

Sixteen men of war are said to be ordered to be paid off immediately, and that the pay clerks are gone to Portsmouth for that purpose.

This day the inquest and inhabitants of Lime-street Ward, waited on the Lord Mayor and Mr. Oliver in the Tower, with an address.

Yesterday the Right Honourable Lord Weymouth had a conference with his Majesty at the Queen's palace.

It is now the opinion of some gentlemen in the law, that the Lord Chancellor will not hold the seals much longer.

There is not the least appearance of truth in the report of Lord Chatham and Lord Camden joining administration, both having declared their resolutions to the contrary.

It is now said, the parliament will adjourn the second week in May.

Four different messengers are in pursuit of a late secretary, who has absconded.

It is thought by some, however, that the above person has not left London, but is kept incog. by certain persons in high power.

Letters from Ireland inform us, that it is again currently reported there, that the Lord Lieutenant will not soon leave that kingdom.

April 27. Yesterday afternoon a very numerous body of the inhabitants of Farringdon Ward Without, proceeded by the city marshal, the beadles, and other officers of the Ward, went from St. Dunstan's church in Fleet-street to the Tower, in a train of 70 carriages, to present addresses to the Right Honourable the Lord Mayor, Mr. Alderman Oliver, and Mr. Alderman Wilkes, in approbation of their conduct, for having so nobly exerted themselves in defence of the chartered rights of their fellow citizens, against a most arbitrary act of ministerial influence, cloaked under the disguise of privilege of parliament; and assuring those gentlemen, that the inhabitants of Farringdon Ward Without, "are ready to sacrifice their lives and fortunes in defence of the known laws of the land, and those rights and privileges which have been handed down to them by their ancestors, and confirmed by royal grants and charters." To these addresses very polite answers were returned. It is remarkable, that the whole number of common council belonging to the Ward were present.

Mr. Oliver's ANSWER, which was delivered extempore.

"*Gentlemen of the Ward of Farringdon,*

"My residence in this place, though indeed as a punishment, becomes an honourable mark of distinction, when it procures me in addition to my own approbation and that of my fellow citizens.

"I shall consider it as a happy circumstance of my life, if my imprisonment shall contribute to the advancement of the public interest. I cannot consistently with my past professions have any selfish views of advantage. Without the prospect of any recompence I will serve my fellow-citizens as far as I can with honour. The livery of your respectable ward are interested in a great proportion to unite with other wards of this city in bestowing the honour of your representative in parliament on such as will covenant to prove faithful in the trust you repose; because it is of the greatest importance that your representatives should give examples worthy of your general imitation throughout the kingdom.

"The power of the House of Commons, as lately exerted, is, in my opinion, unjustifiable; because being only one part of the legislature, it supersedes the laws of the land, which are made to protect the common rights of all men. I am sensible of your present marks of attention to me, and I trust that I shall not, by any future action, forfeit your confidence; though you will always bestow it with caution, from a knowledge that no man's praise is absolutely secure until it is engraven on his tomb."

It is now said that Lord Weymouth will soon be restored to some post in administration.

We are informed that when the House of Commons break up, most of the merchants and the principal gentlemen of the minority will wait upon the Lord Mayor and Alderman Oliver in the Tower, and attend them in triumph, on their release, to the Mansion-house.

Yesterday came on in the House of Commons, Mr. Sawbridge's motion for triennial parliaments, and when the question was put, it was carried in the negative, ayes 54, noes 105.

Yesterday came on the third reading of the bill to prevent the exportation of corn, when, after a short debate, it passed the house without a division.

Yesterday also came on, in the committee of the whole house, the lottery bill. Mr. Cornwall moved to insert a clause in it, that no member should have any tickets belonging to the present lottery; but after a long debate the clause was rejected; several amendments were then made to the bill, which is ordered to be reported on Monday next.

The amendments now under consideration in the bankrupt laws, are no less salutary to the public than to individuals; and that justice and mercy will be so happily blended, that whilst the property of the former is rendered more secure, the inconveniencies of the latter will be abundantly mitigated.

We hear the Lord Mayor's chaplain has been again refused the use of the pulpit in the Tower.

Thursday last the following gentlemen kissed hands on occasion of the new establishment, which has taken place in his Majesty's marine forces, viz. Henry Smith, Christopher Gauntlet, and Alexander Carthcart, Esqrs. to be Lieutenant Colonels, Edward Howorth and John Pitcairne, Esqrs. to be Majors, and Duncan Campbell, Esq; Captain Lieutenant.

It is confidently reported, that some more ships will speedily be sent to join the fleet in the East-Indies.

Lord Sandwich will set out for Portsmouth some time next week, to view the fleet there.

A correspondent wishes to know the reason why so little business is now done in the court of King's-bench!

April 30. This morning, precisely at 10 o'clock, Richard Oliver, Esq; was brought by writ of Habeas Corpus before the Barons of the exchequer, when, after the writ was read, Mr. Serjeant Glynn made a motion for his enlargement, which he supported to the following purport:

He observed, "that there were various cases where the authority of parliament (great as he allowed it to be in many respects) could not controul the established laws of the land. He instanced, in particular, the transactions of the long parliament, during the civil wars, and asked their Lordships, Whether they would not be under the necessity of condemning their proceedings. He said the House of Commons could furnish them with no *legal* justification, when that House assumed privileges they had no right to assume. That the cases of Lord Shaftsbury and Mr. Murray, which had been urged as cases against this doctrine, were not at all similar, as the *former* happened at a period unfavourable to the liberty of the subject, and when the judges were deprivable of their offices at pleasure; and as the *latter* was a commitment for a contempt of the house, in the face of their body, and within their own walls, and not at all clash with the known and established laws of the land.

He further observed, that in the case of the King and Potter, Lord Chief-Justice Holt was of opinion, that the House of Commons derived their authority from the laws, and let me tell your Lordships, (continued the Serjeant) that great Chief-Justice was a person as well acquainted with the history and laws of this country, as any person that ever presided in any Court of Justice. The Serjeant then mentioned the cause of Mr. Oliver's commitment in a very spirited and precise manner, and observed, that the cause of offence was no more than committing a messenger, who was no other way authorized than having an order of the House in his pocket, without his name or office specified, as authority to execute that order. Allowing, therefore, says he, the full extent of the privilege of the House, how can Mr. Oliver be guilty of an offence in committing this *unauthorised* person, without supposing a *personal* privilege in the messenger; a supposition that carries absurdity on the face of it. (In short it would be impossible to go along with the learned Serjeant in the variety of arguments he made use of in the course of full two hours, where he has left it difficult to determine in which he most excelled, oratory or argument.) He therefore concluded, by apologizing to the court for engrossing so much of their time, which he should not have done, he said, was not the case of such importance, not only to his client, but the liberty of the subject in general.

Mr. Serjeant Jephson, and Mr. Lee, severally supported the Serjeant. Mr. Jephson quoted a number of cases, in all which the persons found to be unlawfully committed were discharged, and for these reasons---that the court, in the case of a Habeas Corpus, could not support its constitutional authority otherwise; he insisted warmly that the privileges of parliament could not be superior to the laws; and in defence of this put the following question: Can the privilege of parliament give away our rights? Can it protect us in our property? Or can it redress our legal complaints?---No; the uncertainty of its punishments and its determinable duration shew they cannot.---Where then shall we apply but to the laws of the land; which speak clear, distinct, and authoritative on all these matters?

Mr. Lee followed Mr. Serjeant Jephson with great spirit, and argument, and concluded by bidding adieu to the civil liberties of England, if they depended on the arbitrary decree of parliament.

After these arguments were finished, the court *very briefly* replied, "they could not take cognizance of the privileges of parliament, they were of themselves competant judges; and that therefore Mr. Oliver must be remanded." Mr. Oliver instantly obeyed this determination, by getting into a hackney coach, and driving off the Tower.

The first royal review will be the 6th of May, on the lawn at Blackheath. The 10th and 11th of dragoons, the regiments of Lieutenant-General Sir John Mordaunt and Marquis of Lothian, are to be seen that day by his Majesty.

Yesterday the royal assent was given to 33 public and private bills, by virtue of his Majesty's commission, including those mentioned yesterday.

We hear that orders are given for paying off 23 ships of the line, in consequence of every thing being settled between France, Spain, and our court.

The expence of the parliament business done this session on account of the city it is said, already amounts to near 4000 l.

Last Friday several constables were examined before the committee, relative to some late riots; but they could give no information of any particular person, except one Keys, for pelting the constables; and he is out upon bail.

May 1. William Birch, Esq; is appointed captain of a troop in the royal regiment of horse guards; and Lieut. Joseph Darby is appointed adjutant to the said regiment.

Sackville Turner, Esq; is appointed captain of a company in the 33d regiment of foot, in the room of James Webster, Esq; promoted.

Sunday evening an express arrived over land from Bombay, by which we learn, that Hyder Aly has sued for peace with the Morattoes, that he has also desired the assistance of the English on this occasion, and that upon the whole it was generally imagined this affair would, in a very short time be amicably adjusted. This little check upon the Asiatic chiefs has thrown great weight into the scale of the English, as it tends to convince Hyder Aly and the Asiatics of the absolute necessity they are under of always keeping well with the English. And some persons go so far as to hint, that this little discord between the Morattoes and Hyder Aly was, under-hand, fomented even by the English themselves; more especially, as the express remarks, that *all* was quiet and tranquil when he left Bombay. By the same channel we are informed, that Colonel Coote is on his passage home, and that his arrival may be expected in the course of this month.

Extract of a letter from General Count Romanzoff, dated March 20, 1771, relative to the taking of Giurgovo by the Russians.

"I have the honour to inform you, that continuing our conquests along the Danube, we have taken the fortress of Giurgovo. The General Olitz, commander in chief of our forces in Walachia, having received my orders to approach Giurgovo on the side towards Bucharest the 12th instant, he found there the enemy consisting of 10,000 men, who attacked him as he was getting possession of the first intrenchment; he could not immediately take the second, because it was defended by the cannon and a very deep ditch. In the night of the 15th, having divided his troops in four columns, he took the second intrenchment by assault, in spite of the fire of the enemy from the fortress. The engagement lasted above three hours, and the enemy left 4000 dead on the spot; on our part there were only 173 killed, and 794 wounded.

"The Turks retired into the fortress, and continued firing without success till the 18th. Our batteries beginning to play, had such an effect that the towers and walls were soon beat down, and their magazines of powder blown up. The enemy finding the loss of the place certain, desired to capitulate, which was granted. General Olitz permitted them to retire beyond the Danube. There were found in the fortress 18 colours, 62 pieces of brass cannon, two mortars, and a great quantity of provisions and ammunition."

May 2. On Tuesday, in the Upper-House, the Duke of Richmond made a motion to rescind the resolution which the house came to last year, that the House of Commons in the Middlesex election, was final and conclusive. After a long debate, which lasted till half past seven o'clock, there appeared for the motion, 35; against it 55.---The speakers in support of the motion were, the Dukes of Richmond and Manchester, the Marquis of Rockingham, the Lords Chatham, Shelburne, Camden, Lyttleton, &c.

On Tuesday in the House of Commons, Mr. Richard Whitworth made a motion, which was seconded by Sir Robert Clayton, to thank the select committee of twenty-one, for their enquiries into the causes of the late orders of the house being disobeyed, seeing the ludicrous intent of the motion, Lord North moved for the house to adjourn, and, after a short debate, they adjourned accordingly till Monday next.

May 3. Lord Chatham never appeared in parliament with greater lustre than on Tuesday last. No man questions the intrepidity of his spirit;---no man denies the wonderful extent of his abilities. The dignity, firmness, and consistency of his conduct make his character compleat.---After giving the warmest support to the Duke of Richmond's motion on Tuesday, he entered largely into the consideration of the melancholy state of the country;---the depraved system of government, which had, in a very few years reduced us from a most flourishing to a most miserable condition. He went through the whole proceedings of the House of Commons, in the late business of the printers, and arraigned every part of it in the strongest terms. He warmly defended the magistrates in the conscientious discharge of their duty;---that the house, in committing them to prison without hearing their defence upon the point of privilege, had been guilty of a gross and palpable act of tyranny;---that they had heard the prostituted electors of Shoreham in defence of an agreement to sell a Borough by auction, and had refused to hear the Lord Mayor of London in defence of the laws of the land; that their expunging, by mere force, the entry of the recognizance, was the act of a *mob*, not of parliament; but that their daring to assume a power of stopping all prosecutions by their vote, struck at once at the whole system of the laws;---that it was solely to the measures of government, equally violent and absurd, that Mr. Wilkes owed all his importance;---that the King's ministers, supported by the slavish concurrence of the House of Commons, had once made him a person of the greatest consequence in the kingdom;---that they in effect had made him an Alderman of London, and representative of the county of Middlesex; and now, it seems, they intend to make him sheriff, and, in due course, Lord Mayor of London;----that the proceedings of the House of Commons, in regard to this gentleman, made the very name of parliament ridiculous;---that after repeated resolutions, by which they had declared him amenable to their jurisdiction, they had shamefully given up the point at last, and, in the face of the world, acknowledged him to be their Lord and Master.---That there remained but one possible remedy for the disorders, with which the government of this country was universally infected;---that to save the name and institution of parliaments from contempt, this House of Commons must be dissolved. This he hoped might restore good government on one side,---good harmony and tranquillity on the other,---yet that this was rather a hope in him than any sanguine expectation. He feared that it might prove only a temporary and partial remedy;---that to resist the enormous influence of the crown, some strong barriers must be erected in defence of the constitution. That formerly the inconveniencies of shortening the duration of parliaments had had great weight with him,---but that now it was no longer a question of convenience:----The *summa rerum* is at stake;---your whole constitution is giving way,----and therefore, with the most deliberate and solemn conviction to his understanding, he now declared himself a *convert to triennial parliaments*.---His Lordship concluded with desiring a call of the house for the next day, and declared his intention to move an address for the dissolution of the present parliament.

Accordingly on Wednesday his Lordship made the motion, but was over-ruled, 72 against 23.

The other day the French King found, under a plate that was set for him at dinner, a scroll of paper, on which was written, "*The first Damsin missed his aim, the second will be more sure.*"---The King was a little alarmed upon the first perusal of it, but had presence of mind enough to hide his confusion from the observation of the people that were around him. However, when dinner was over, he sent for the Chancellor and Great Officers of State, and informed them of the event.

Letters from Copenhagen mention, that his Danish Majesty has published a rescript, addressed to the courts of judicature, requiring an equal administration of justice, and that just demands be not witheld by the great from inferior persons, on any privilege. In order to encourage the liberal arts, his Majesty has established public schools for the education of youth; and has exempted printed books from all duties whatever.

The bill to prevent divorced persons from marying with the offending party, we hear, is dropped.

May 4. Yesterday at a court of common council at Guildhall, a petition to the King relative to the bill for the embankment at Durham-yard, was read and agreed to; and the sheriffs, attended by the city remembrancer, went to St. James's and presented the said petition to his Majesty.

It was ordered that the sum of 30,000 l. be laid out in three per cent consolidated, and vested in the names of the chamberlain, town-clerk, and comptroller, as a security in lieu of the toll, and other matters respecting the bridge-house estate.

It was moved at this court that the city officers, be desired to attend the Right Honourable Brass Crosby, Lord Mayor, and Mr. Alderman Oliver, in their gowns in procession from the Tower to the Mansion-house, on their enlargement from their present confinement, and on being put, it was carried unanimously.

An address from the Trinity house at Newcastle upon Tyne, has been transmitted to Sir William Stephenson, and by him presented to the Lord Mayor and Alderman Oliver.

John White, Esq; is appointed captain of a company in the 25th regiment of foot.

We hear that there are to be twelve guard ships at Portsmouth, twelve at Plymouth, and six at Chatham; and that the complement of seamen intended for the guard ships is to be augmented from 180 to 400.

A Patent is preparing for appointing Sir J. Amherst a Peer.

The Bishop of Durham, we hear, has lost four toes, from the mortification occasioned by the cutting of a corn.

Yesterday died at his house at Finchley, Colonel Cholmondely Scott, of the 11th regiment of foot.

Mr. Lee in his pleadings last Tuesday, before the Barons in the court of exchequer, in favour of Mr. Oliver, made use of the following very forcible argument: "As long (said he) as the subjects of England are supposed to live under the protection of the law, it seems to me to be inconsistent with that idea, and repugnant to the plainest principles of the constitution, to imagine that the House of Commons has the sole, and conclusive power of determining what is a breach of privilege; for if they have such an enormous power, it is in vain to talk of liberty; the civil liberties of all the people of England, are at the arbitrary decision of the House of Commons, and their constituents lie prostrate at their feet."

Serjeant Jephson, in his speech on the same subject reasons thus: "The principal objection made to the discharge of the prisoner is the incompetency of the court. But is this objection well founded? No; the writ of *Habeas Corpus* is a prerogative writ, by which you are authorized to enquire into the restraints upon the liberty of the subject; and it matters not by what power the restraint is imposed. You have a right to examine the affair. Were it otherwise, there would be an evil without a remedy; there would be in the state a power paramount to the laws, and exempted from all controul: A doctrine too fatal to liberty to be ever adopted in this country."

It is supposed the day the Lord Mayor and Alderman Oliver quit the tower, there will be more public rejoicings in this city than ever were known on any occasion. It is much wished it was only a day of reconciliation among the patriots.

It is said that Sir Edward Hawke will be created a peer at the same time Sir Jeffery Amherst is.

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